



PATENT
ATTORNEY DOCKET NO. 013306-5003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Ian Duncan RUBIN et al.) Group Art Unit: 1614
)
Application No.: 09/891,615) Examiner: Unassigned
)
Filed: June 27, 2001)
)
For: EXTRACTS COMPOUNDS &)
)
PHARMACEUTICAL COMPOSITIONS)
)
HAVING ANTI-DIABETIC ACTIVITY AND)
)
THEIR USE)

#5
NW

Commissioner of Patents and Trademarks
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449. This Information Disclosure Statement is being filed, to the best of the undersigned's knowledge, before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents are enclosed. Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

Applicants would also like to bring to the Examiner's attention the following applications with a common assignee and request consideration of the applications and any and all references therein:

Application No.
09/402,962

Filing Date
CPA filed 11/1/2001
(national stage of WO 98/46243)

09/691,582

10/18/2000
(Gastric Acid Secretion)

A copy of the 09/691,582 applications is enclosed. The 09/402,962 application is a CPA of a national stage application of WO 98/46243. A copy of WO 98/46243 is submitted as a copy of the 09/402,962 application.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies the documents as "prior art" against any claim in the application and Applicants determine that the cited document does not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

EXCEPT for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Dated: January 28, 2002

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



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INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

PTO Form 1449

Attorney Docket No.:
013306-5003US

Application No.:
09/891,615

Applicants: Ian Duncan RUBIN et al.

Page 1 of 3

Filing Date: June 27, 2001

Group: 1614

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Sub Class	Filing Date
	4,062,950	12/13/1997	Frommer et al.	424	181	
	4,130,714	12/19/1978	Sarges	548	309	
	4,174,439	11/13/1979	Rauenbusch et al.	536	18	
	4,251,528	02/17/1981	Brittain et al.	424	250	
	4,254,256	03/03/1981	Otani et al.	536	18	
	4,436,745	03/13/1984	York, Jr.	424	273	
	4,438,272	03/20/1984	York, Jr.	548	308	
	4,464,382	08/07/1984	Tanouchi et al.	424	270	
	4,540,704	09/10/1985	Ueda et al.	514	389	
	4,600,724	07/15/1986	Sestanj et al.	514	510	
	4,634,765	01/06/1987	Liu	536	17.4	
	4,639,436	01/27/1987	Junge et al.	514	24	
	4,701,559	10/20/1987	Horii et al.	564	363	
	4,734,419	03/29/1988	Hashimoto et al.	514	259	
	4,771,050	09/13/1988	Meguro et al.	514	224.2	
	4,791,126	12/13/1988	Tanouchi et al.	514	369	
	4,831,045	05/16/1989	Tanouchi et al.	514	369	
	4,883,800	11/28/1989	Hashimoto et al.	514	259	
	4,939,140	07/03/1990	Larson et al.	514	222	
	4,980,357	12/25/1990	Goldstein et al.	514	278	

FOREIGN PATENT DOCUMENTS

Document Number	Date	Country	Class	Sub Class	Translation Yes No
96/39384	12 December 1996	WO			
96/39385	12 December 1996	WO			
97/24369	10 July 1997	WO			
98/46243	22 October 1998	WO			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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Page 2 of 3

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U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Sub Class	Filing Date
	5,037,831	08/06/1991	Malamas	514	278	
	5,066,659	11/19/1991	Lipinski	514	278	
	5,091,418	02/25/1992	Sawada et al.	514	569	
	5,091,524	02/25/1992	Vértesy et al.	536	18.7	
	5,157,116	10/20/1992	Ducep et al.	536	17.4	
	5,192,772	03/09/1993	Yoshikuni et al.	514	315	
	5,217,877	06/08/1993	Sawada et al.	435	64	
	5,252,572	10/12/1993	Hermech et al.	514	258	
	5,270,342	12/14/1993	Brittain et al.	514	617	
	5,430,060	07/04/1995	Brittain et al.	514	617	
	5,447,946	09/05/1995	Kurono et al.	514	389	
	5,504,078	04/02/1996	Ducep et al.	514	43	
	5,728,704	03/17/1998	Mylari et al.	514	256	
	5,866,578	02/02/1999	Mylari et al.	514	256	

FOREIGN PATENT DOCUMENTS

Document Number	Date	Country	Class	Sub Class	Translation Yes No

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Namiki et al., "Studies on the alpha-glucoside hydrolase inhibitor, adiposin", <u>J. Antibiotics</u> , 35, pp. 1234-1236, (1982).
	J. B. Clark et al., "The diabetic Zucker fatty rat", <u>Proc. Soc. Exp. Biol. Med.</u> 173, pp. 68-75, (1983).
	Richard G. Peterson, "alpha-Glucosidase inhibitors in diabetes: lessons from animal studies", <u>European Journal of Clinical Investigation</u> , 24, Suppl. 3, 11-18 (1994).
	J. H. Johnson et al., "Underexpression of beta cell high K_m glucose transporters in non-insulin dependent diabetes", <u>Science</u> , 250, pp. 546-549, (1990).
	Y. Lee et al., "Beta-cell lipotoxicity in the pathogenesis of non-insulin dependent diabetes mellitus of obese rats: impairment in adipocyte-beta-cell relationships", <u>Proc. Natl. Acad. Sci. USA</u> , 91(23), pp. 10878-10882, (1994).
	J. L. Milburn et al., "Beta-cell GLUT-2 loss and non-insulin dependent diabetes mellitus: current status of the hypothesis", (Review) <u>Diabetes Metab. Rev.</u> , 9(3), pp. 231-236, (1993).
	T. R. Pieber et al., "Amylin-insulin relationships in insulin resistance with and without diabetic hyperglycemia", <u>Am. J. Physiol.</u> , 265(3 Pt. 1), pp. E446-E453, (1993).

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FOREIGN PATENT DOCUMENTS							
	Document Number	Date	Country	Class	Sub Class	Translation Yes No	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	L. J. Sliker et al., "Glucose transporter levels in tissues of spontaneously diabetic Zucker fa/fa rat (ZDF/Drt) and viable yellow mouse (A ^y /a)", <u>Diabetes</u> , 41, pp. 187-193, (1992).						
	J. Sturis et al., "Alterations in pulsatile insulin secretion in the Zucker diabetic fatty rat", <u>Am. J. Physiol.</u> , (267 Endocrinol. Metab. 30), E250-259, (1994).						
	J.E. Friedman et al., "Altered expression of muscle glucose transporter GLUT-4 in diabetic fatty Zucker rats (ZDF/Drt-fa)," <u>Am. J. Physiol.</u> , 261 (Endocrinol. Metab. 24), E782-788 (1991).						
	M. Ohneda et al., "Caloric restriction in obese pre-diabetic rats prevents beta-cell depletion, loss of beta-cell GLUT-2 and glucose incompetence", <u>Diabetologia</u> , 38(2), pp. 173-179, (1995).						
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